

## REMARKS

**[0002]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-5, 8-13, 15-18, 20-22 and 25 are currently pending
- Claims 1, 13, 21 and 25 are amended herein

**[0003]** Claims 1, 13, 21 and 25 have been similarly amended, and there is support in the specification for the amendments; accordingly no new matter has been added to the claims. For example, the amendments recite program lengths that vary from an originally scheduled program length. This aspect is discussed at Figs. 5-8, and in a number of associated paragraphs, at least including paragraphs [0040] to [0045]. For example, paragraph [0042] discusses a shorter than scheduled broadcast, while paragraph [0044] discusses a longer than scheduled program. The amendments recite that the actual duration of the recorded program is based on the recorded program itself, which is taught at least at paragraph [0035] in the specification. The amendments recite updating the adjacent programs. This is also discussed at Figs. 5-8. For example, at paragraph [0041], program A ran long, and so program B was shortened. This information can be contained in updated metadata. Paragraph [0040] explains that such metadata can be offered for purchase, and that metadata are offered by the server. The amendments recite the simultaneous display of two sets of metadata, which is discussed at least at [0044], [0045] and in Fig. 8. The amendments also recited aspects of a relative rating of metadata, discussed at least at [0045]. The amendments also recite increasing the keyword section of the metadata. This is seen,

for example, at Fig. 12, where a number of additional keywords were added, following the metadata update.

### **Cited Documents**

**[0004]** The following documents have been applied to reject one or more claims of the Application:

- Logan: Logan et al., U.S. Patent Application Publication No. 2003/0093790
- Safadi: Safadi et al., U.S. Patent Application Publication No. 2001/0051037
- Lees: Lees et al., U.S. Patent No. 7,162,499
- Knudson: Knudson et al., U.S. Patent No. 6,536,041
- Marsh: Marsh et al., U.S. Patent Application Publication No. 2004/0003403
- Vasudevan: Vasudevan et al., U.S. Patent No. 7,028,057

### **Claims 1-5, 8-13, 15-18, 20 and 25 Are Non-Obvious Over Logan, Safadi, Lees and in further view of Knudson**

**[0005]** Claims 1-5, 8-13, 15-18, 20 and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Logan, Safadi, Lees and in further view of Knudson. Applicant respectfully traverses the rejection.

### **Independent Claims 1, 13 and 25**

**[0006]** In light of the amendments presented herein, Applicant submits that the rejection of independent claims 1, 13 and 25 are moot. Specifically, the combination of Logan, Safadi, Lees and Knudson does not teach or suggest the following elements, recited by claims 1, and analogous to elements recited by claims 13 and 25:

- “updated time periods associated with programs which were also recorded, and which are adjacent to the recorded live broadcast in the displayed listing, wherein two sets of metadata are displayed simultaneously in the listing, and wherein a relative ranking is displayed indicating which set of metadata is assumed to be more accurate”
- “an updated keyword section associated with the live broadcast, wherein the updated keyword section contains data unknown before the live broadcast”

**[0007]** Claim 1 recites in part, “updated time periods associated with programs which were also recorded, and which are adjacent to the recorded live broadcast in the displayed listing, **wherein two sets of metadata are displayed simultaneously in the listing**, and wherein a relative ranking is displayed indicating which set of metadata is assumed to be more accurate” (emphasis added, to indicate point of discussion). The Applicant teaches such at display at [0045], wherein retention and display of two sets of metadata are taught, as well as display of a relative ranking. As an example, Fig. 8 teaches that two conflicting schedules are displayed (804 and 806) in a listing 802. In view of this amendment, the Applicant respectfully requests removal of the rejection, for at least the reasons indicated below.

**[0008]** The Office cites the Lee at [0055] to [0059] as teaching aspects of conflicting metadata, including a hierarchy of trust of metadata and metadata sources. However, the Applicant respectfully submits that Lee fails to teach or suggest the actual and simultaneous display, in a listing, of two or more conflicting metadata, and also providing a relative ranking based on assumed accuracy of the two metadata. The

Applicant makes such a teaching (e.g. at least at 804, 806 of Fig. 8, and paragraph [0045]) and recites such a metadata display in claims 1, 13, 21 and 25.

**[0009]** The Applicant respectfully submits that Logan, Safadi and Knutson similarly fail to teach the elements added to the amended claims. Accordingly, the Applicant respectfully asks that the Section 103 rejection be removed.

**[0010]** Claim 1 recites in part, “an updated keyword section associated with the live broadcast, wherein the updated keyword section contains data unknown before the live broadcast”. This is seen, for example, in the Applicant’s Fig. 12 and associated text, wherein updated metadata results in “an updated keyword section associated with the live broadcast”, and particularly that, “the updated keyword section contains data unknown before the live broadcast”.

**[0011]** The Office had not examined this particular aspect, and therefore does not cite any art as teaching the update of metadata to include data unknown before the live broadcast. However, the Applicant respectfully submits that Logan, Safadi, Knutson, Lees, and Marsh fail to teach or suggest such a keyword update. Logan and Marsh do mention keywords, but not in the context of growing the keyword section to contain keywords “unknown before the live broadcast”. Accordingly, the Applicant respectfully submits that claims 1, 13, 21 and 25 recite aspects not taught or suggested by the prior art of record, and respectfully requests that the Section 103 rejection be removed.

#### *Dependent Claims 2-12 and 13-20*

**[0012]** Claims 2-12, 13-20 and 22 ultimately depend from independent claims 1, 13, 21 and 25. As discussed above, claims 1, 13, 21 and 25 are allowable over the cited documents. Therefore, claims 2-12, 13-20 and 22 are also allowable over the cited

documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

*Independent Claim 21*

**[0013]** Claim 21 was rejected under Section 103 as being non-obvious in view of Logan, Safadi, Lees, Knudson and in further view of Marsh. Marsh was added as teaching a hierarchy of metadata trust. However, the Applicant respectfully submits that, in view of the amendments made herein, and in view of the arguments above, incorporated herein by reference, that claim 21 recites aspects not taught or suggested by the prior art of record. In particular, none of the references teach or suggest “wherein two sets of metadata are displayed simultaneously in the listing, and wherein a relative ranking is displayed indicating which set of metadata is assumed to be more accurate” (emphasis added). While Marsh teaches a hierarchy of trust in metadata, Marsh does not teach or suggest inclusion of two sets of metadata in “a listing of previously recorded programs,” as recited by the claim. Moreover, the prior art fails to teach or suggest “an updated keyword section associated with the live broadcast, wherein the updated keyword section contains data unknown before the live broadcast,” as recited. Accordingly, the Applicant respectfully requests that the Section 103 rejection of claim 21 be withdrawn.

*Dependent Claim 22*

**[0014]** Claim 22 ultimately depends from independent claim 21. As discussed above, claim 21 is allowable over the cited documents. Therefore, claim 22 is also allowable

over the cited documents of record for at least its dependency from an allowable base claim. This claim may also be allowable for the additional features that it recites.

### **Conclusion**

**[0015]** The Applicant respectfully submits that all pending claims are in condition for allowance. The Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action, so that any remaining issues may be more rapidly resolved.

Respectfully Submitted,

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